

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 29, 2006. Claims 17, 25 to 28, 30, 42 to 46, 76, 84 to 87, 89, 101 to 105, 135, 143 to 146, 148, 160 to 164 and 178 to 183 remain pending in the application, of which Claims 17, 30, 76, 89, 135 and 148 are independent. Reconsideration and further examination are respectfully requested.

Claim 44 was rejected under 35 U.S.C. § 112, second paragraph. The claim has been amended to make the subject matter thereof even clearer. Thus, reconsideration and withdrawal of the § 112 rejection is respectfully requested.

Claims 17, 25 to 28, 30, 42 to 46, 76, 84 to 87, 89, 101 to 105, 135, 143 to 146, 148, 160 to 164 and 178 to 183 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,205,477 (Johnson). The rejections are respectfully traversed and the Examiner is requested to reconsider and withdraw the rejections in light of the following comments.

The present invention relates to a server determining apparatus that determines which one of a plurality of information distribution servers that a client should access. According to the invention, when the client accesses a first information distribution server from among a plurality of servers, a determination is made, in accordance with the first access request, which one of the plurality of information distribution servers the client should based on a logical distance between the client and each of the plurality of information distribution servers. Then, when a second access request is made by the client, a second determination is made as to which one of the plurality of which one of the plurality of information distribution servers should be

accessed by the client which has accessed the first one of the plurality of the information distribution servers based on network state information that is collected between the first access and the second access from the client. The first information distribution server is then informed of the determined one of the plurality of information distribution servers that the client should access. Thus, the server determining apparatus of the invention makes two different determinations: one on the initial request, and the other between two requests. Therefore, if the network state changes between access requests by the client, the client can be informed of the most desirable server to access in order to obtain the requested information.

Referring specifically to the claims, amended independent Claim 17 is directed to a server determination apparatus, comprising receiving means for receiving an inquiry from a first one of a plurality of information distribution servers, collection means for collecting network state information between a client and each of the plurality of information distribution servers, server determination means for determining, based on a logical distance between the client and each of the plurality of information distribution servers, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with a first access from the client, and for determining, based on the network state information collected by the collecting means between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with the second access from the client, and

informing means for informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Amended independent Claims 48, 76, 107 and 135 are system, method, system control method, and computer program claims, respectively, that substantially correspond to Claim 17.

Amended independent Claim 30 includes features along the lines of Claim 17, but is more specifically directed to a server determination apparatus, comprising receiving means for receiving an inquiry from a first information distribution server, collection means for collecting state information of each of a plurality of information distribution servers, server determination means for determining, based on a logical distance between a client and each of the plurality of information distribution servers, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with a first access from the client, and for determining, based on the state information collected by said collecting means between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers in accordance with the second access from the client, and informing means for informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Amended independent Claims 52, 89, 111 and 148 are system, method, system control method, and computer program claims, respectively, that substantially correspond to Claim 30.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 17, 30, 48, 52, 76, 89, 107, 111, 135 and 148. More particularly, the applied art is not seen to disclose or to suggest at least the feature of a server determining apparatus i) determining, based on a logical distance between a client and each of a plurality of information distribution servers, which one of a plurality of information distribution servers should be accessed by the client which has accessed a first one of the plurality of the information distribution servers, in accordance with a first access from the client, and ii) determining, based on (network state information between a client and each of the plurality of information distribution servers)/(state information of each of the plurality of information distribution servers) collected between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers in accordance with the second access from the client.

Johnson discloses that a client submits a domain name to a DNS server, where the DNS server in turn selects a server from among a plurality of servers that the client should access based on a portion metric (i.e., a portion of total server requests that are to be allocated to one of a plurality of servers). The DNS server then provides an IP address of the selected server to the client so the client can then access the server corresponding to the IP address. Thus, while the DNS server of Johnson may select a server that a client is to access based on a portion metric, the portion metric is not seen to be a logical distance between the client and each of a plurality of information distribution servers. Therefore, the DNS server of Johnson is not seen to make the first determination as claimed.

Johnson is also not seen to perform the second determination as claimed. Specifically, Johnson is not seen to determine a server that a client is to access based on the collected (network) state information that is collected between a first access and a second access from the client. Rather, the server in Johnson is merely selected based on the portion metric assigned to the servers and how many requests each server has processed. Accordingly, Johnson is not seen to disclose or to suggest at least the features of a server determining apparatus i) determining, based on a logical distance between a client and each of a plurality of information distribution servers, which one of a plurality of information distribution servers should be accessed by the client which has accessed a first one of the plurality of the information distribution servers, in accordance with a first access from the client, and ii) determining, based on (network state information between a client and each of the plurality of information distribution servers)/(state information of each of the plurality of information distribution servers) collected between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers in accordance with the second access from the client.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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